

Notice of Allowability

Application No.

10/064,361

Applicant(s)

PRESTON ET AL.

Examiner

Michelle A Lazor

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/2/04.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 05 July 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. McGarry on 22 January 2004.

The application has been amended as follows:

Claim 1. A method of making a label assembly from a indefinite length of label stock material comprising a backing web having a release coating on a surface thereof and a label web which is adhesively laminated to the release-coated surface of the backing web by a pressure sensitive adhesive on a lower surface of the label web, the label web having an upper surface, the method comprising the steps of:

printing product indicia onto the label web upper surface;

releasably applying a static cling layer having static charge to the printed upper surface of the label web;

and die-cutting the label web and the static cling layer into discrete label assemblies.

5. A method of making a label assembly from an indefinite length of label stock material comprising a backing web having a release coating on a surface thereof and a label web which is adhesively laminated to the release-coated surface of the backing web by a pressure sensitive

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adhesive on a lower surface of the label web, the label web having an upper surface, the method comprising:

applying a raw varnish coating onto the label web upper surface;

releasably applying a static cling layer having static charge to the upper surface of the label web; and

die-cutting the label web and the static cling layer into discrete label assemblies.

6. A method for servicing an automobile with a windshield in which the oil is changed and a static cling layer is applied to a windshield with date/mileage sensitive information recorded, comprising the steps of providing a label assembly comprising a product label having on one side a pressure sensitive adhesive and on another side at least one of product and service indicia printed thereon a static cling layer having static charge releasably mounted on the other side of the product label over the indicia, the static cling layer having data entry indicia on one side thereof,

applying the label assembly to one portion of the vehicle visible to a service person;

applying oil change data to the static cling layer; and

applying the static cling layer to the windshield of the automobile.

2. The following is an examiner's statement of reasons for allowance:

The amendments above were added in order to better clarify and define the claimed invention.

In addition, the claims above are considered to be allowable in view of the following prior art references: Fahey (U.S. Patent No. 5352155) and Saetre (U.S. Patent No. 5102171).

Fahey discloses a method of making a label assembly which consists of a dual impression two-ply form having a face stock releasably secured by an adhesive onto a release liner of a material, where a copy of information may be simultaneously printed on the liner (Abstract; Figures 1 – 4). However, Fahey fails to disclose a static cling layer or releasably applying a static cling layer having static charge to the *printed* upper surface of the label web. In addition, Saetre discloses using a thin sheet of static cling vinyl that overlies and is electrostatically adhered to the material's smooth non-porous surface (Abstract; Figures 1, 3, 5, 6). However Saetre fails to disclose applying a static cling layer having static charge to the *printed* upper surface of the label web, since the static cling layer (18) clings to a non-porous material (16) that is not printed on (Figures 1 and 2). Therefore there is no reference in the prior art search that disclosed, taught, or suggested the above claims, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is N/A.



MAL

1/20/04



**RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700**